

# MAKING IT CLEAR

*How Federal Law, Parent Involvement,  
and Free Tutoring for Students in  
Struggling Schools Go Together*



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MANY PUBLIC SCHOOLS OWE THEIR STUDENTS FREE TUTORING!  
BUT NOT UNTIL PARENTS GET INVOLVED!

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## DEAR PARENT,

Federal law **REQUIRES** schools that have fallen short of state learning standards for **three years** or more to pay for any low-income student in that school to receive “supplemental educational services,” or **free academic tutoring!**

If your child gets free or reduced-price meals and your child's school has not done well on state tests, **you should ask** your child's teacher or principal about this opportunity!

### WHAT ARE SUPPLEMENTAL EDUCATIONAL SERVICES?

**Supplemental educational services (SES)** are, simply, free tutoring services that some schools must offer to low-income students. Students receive SES *in addition* to regular teaching during the school day.

### HOW DO I KNOW IF MY CHILD'S SCHOOL MUST OFFER SES TO MY CHILD?

A federal law called “No Child Left Behind” (“NCLB,” for short) requires schools to meet certain “**progress goals**” every year. NCLB was for 40 years known as the Elementary and Secondary Education Act (ESEA), but it acquired a new name eight years ago when it was renewed. A school's goals for making progress are based on learning standards set by the state. To reach its progress goals every year, a school must show that its students are meeting the state learning standards. If students do not meet standards and the school fails to reach its goals for **three years in a row**, the school district must pay for **low-income students** to receive SES.<sup>1</sup>

So, to figure out whether your child's school must offer SES to your child, you should find out:

1. Has my child's school met its progress goals for three straight years? **AND**
2. Is my child a “low-income” student?

### HOW DO I KNOW IF MY CHILD'S SCHOOL HAS MET ITS PROGRESS GOALS?

The law **requires** your school to tell parents if it fails to meet its goals for **two years in a row**.<sup>2</sup> If you know that your child's school has not met its goals for two years in a row, you should ask your school what action it is taking to reach its goals. You should also pay close attention to whether your school meets its goals in the third year. If the school does not meet its goals for a third year, **you should ask** your school about SES **right away!**

#### WAYS TO GET INVOLVED

Parents should get **actively involved** when their schools fail to meet their goals. If your school tells you that it has not met its goals for **two years in a row**, you should contact your school and district officials and ask:

1. Does the school have a plan to meet its goals?
2. What can parents do to help?
3. What is the school's plan for telling parents about free tutoring if the school fails to meet its goals for a third year?

Even if your school has not told you whether it has met its academic goals with students, you should still ask your child's teacher or principal about SES.

## HOW DO I KNOW IF MY CHILD HAS A RIGHT TO SES?

Only low-income students in a failing school can get SES. If your child gets **free or reduced-priced meals**, then your child probably qualifies as low-income.

Students usually take tests to show whether they have met state learning standards and to judge whether the school has reached its yearly goals. Even if your child does well on the tests, he or she can *still* get SES if he or she qualifies as low-income and the school overall does not meet its goals.<sup>3</sup> Every low-income child at a school that fails to meet its goals for three years in a row can get SES.

The **only** exception to this rule is when a school does not have enough money to give SES to all the children who qualify. If a school does not have enough money to give SES to all its low-income students, it must provide SES to the lowest-achieving students first. But, your state government and school district are required to tell the public the total amount of money the district must spend on tutoring and the maximum amount of SES money available per student. If your school district does not give you this information, **you should ask for it!**

### WAYS TO GET INVOLVED

If you know that your school is required to offer free tutoring:

1. **Make sure** your school lets parents know about SES in clear and understandable language, and
2. **Spread the word** and tell other parents about free tutoring yourself!

Your school *should* let parents know when they have a right to SES in a timely, clear way. The school is required to tell parents about SES as far in advance as possible, **but no later than 14 days before the start of the school year**. The school must let parents know about tutoring in a way that stands out from other school-related information that it sends to parents.

Even with these rules, though, some schools do not tell parents about SES in a way that they can understand, on time, or at all. So, if you think your child could be eligible for SES, **you should ask** your school or school district officials for more information. Do not be afraid to **speak up!**

## I KNOW MY CHILD HAS A RIGHT TO SES. WHAT SHOULD I DO NEXT?

Your school will not provide your child with SES **until you specifically select a tutor or tutoring company**.<sup>4</sup> The state and school district must provide parents with a **list of approved tutors** and tutoring companies in your area, including those that serve students with disabilities and English Language Learners. The list must include a short description of the services, quali-

fications, and effectiveness of each tutor or tutoring company. The state must also publicly report the standards used to decide whether districts meet tutoring requirements.<sup>5</sup>

➔ **How do I know which tutor to choose?** You can ask your child’s **teacher or principal** for help choosing a tutor. The school must give you help choosing a tutor if you ask. Your child’s teacher may be especially helpful in both deciding what subjects your child needs help in and finding tutors that focus on those subjects. You should make sure, however, that the information you receive is fair.<sup>6</sup>

You should also know that even approved tutors *cannot get in touch with you* unless you give written permission for your school to tell them your child’s name.<sup>7</sup> **But, you** can and should get in touch with the approved tutors and ask them questions about their services.<sup>8</sup>

Remember, all of the tutors are trying to *sell a service*. You should carefully ask your own questions and figure out for yourself whether the tutor will be right for your child. Ask for **specific information** from the tutor that proves its success with students. If a tutor has been effective at improving students’ grades, it will likely have the information to show it!

You should know that some schools can offer their *own* tutoring services. But, these schools may *not* automatically assign eligible students who ask for tutoring to their own tutoring program. Also, schools classified under NCLB/ESEA as “In Need of Improvement,” in “Corrective Action,” or in “Restructuring” may *not* offer tutoring services themselves. This rule could change. Now, low-performing schools can apply for one year waivers to offer tutoring services themselves for the 2009-2010 school year.<sup>9</sup>

### WAYS TO GET INVOLVED

Questions to ask each tutor:

1. Where do you provide services?
2. Will you provide transportation?
3. When do you offer services?
4. Will tutoring be one-on-one or in a group?  
If tutoring takes place in a group, how many students will each tutor have?
5. What are the qualifications of your tutors?
6. Can you provide written information about your success with students?
7. Have you been removed from the approved-tutor list in any other states?
8. Can you change your tutoring to meet my child’s needs?
9. Do you focus on teaching any specific subject areas?
10. How will you tell me about my child’s progress?
11. What happens if my child does not make progress?

➔ **When should I choose my child’s tutor?** There is no universal deadline for when you must

select a tutor. The U.S. Department of Education encourages schools to tell parents about tutoring as soon as possible in the school year, and to begin offering tutoring services quickly thereafter.<sup>10</sup> Once your school tells you about tutoring, it will probably set its own deadline for you to respond. **The deadline may be early in the school year.** So, it is important that **parents choose a tutor as soon as possible!**

- ➔ **What happens after I choose a tutor?** After you choose a tutor for your child, you must meet with your child's teacher and/or school officials to set goals for your child. The school should handle the tutoring details after this meeting. But, if you have questions, **you should ask** your child's teacher, principal, and/or tutor.

## HOW CAN I MAKE SURE MY CHILD GETS THE MOST OUT OF SES?

- ➔ **Use the Chances You Have to Get Information About Tutoring!** The **parent-teacher conference** is a good time to talk about tutoring options available to your child. Since parent-teacher conferences often take place at least at the beginning of the school year, it can be a good chance to ask about tutoring and to get your child started early in tutoring.
- ➔ **Set Goals for Your Child!** After you choose a tutor, you must meet with your child's teacher and/or other school officials to set goals for your child during tutoring. This is an important part of the agreement between the school and the tutor. Your child's goals will help you keep track of how he or she is doing.
- ➔ **Follow Your Child's Work!** Remember, the tutor will not do your child's work. You should encourage your child to set aside time every day for homework. Give your child space, peace and time to work so that he or she can improve and succeed in school. Keep on top of what the tutor asks your child to do, and try to talk to your child about his or her lessons. Tutoring is one piece of a puzzle. The tutor, your school, you and your child all must **work together** to make sure that your child succeeds!
- ➔ **Get Involved!** Parental involvement is very important to the free tutoring service's success.
- ➔ **Make Sure Your School, District And State Follow the Rules!** Schools are required to spend 20% of their federal NCLB/ESEA funding on tutoring costs. This includes parent outreach to help parents take advantage of tutoring options. A school may use the money it does not spend on tutoring for other things. But, before a school can use unspent tutoring money it must do the following things:
  - **Partner with outside groups** to help tell students and parents about SES;
  - **Make sure that students have had a real chance to sign up for tutoring services by:**
    - ⇒ Giving timely, correct notice to parents,
    - ⇒ Making sure that sign-up forms are easy to get to and that they have been sent directly to all eligible students and their parents,

- ⇒ Giving a minimum of two periods of time during the school year when parents can sign up their children for tutoring. These time periods must be long enough for parents to get the information they need to make good decisions about asking for and choosing a tutor; and
- ⇒ Making sure that tutors and tutoring companies can use school buildings the same way that other groups can.
- **Keep records** showing that they did these things;
- Tell the state about the **amount of money remaining from the 20 percent** that the school plans to spend on other allowable activities; and
- **Conduct regular monitoring and review** by the beginning of the next school year.<sup>11</sup>

You should ask your school and district questions about how they have used SES money. As a parent, you can make sure that your school follows the rules and that your child and other children in your school get the most out of SES!

### **WAYS TO GET INVOLVED**

Every community needs parent leaders to:

1. **Ask the local schools** whether they are meeting their yearly goals.
2. Call or **tell other parents about free tutoring** when it is available and encourage them to sign up their children. Parent leaders should stress the fact that this is a new right (for that school) that low-income parents have.
3. **Encourage the local schools** to:
  - a. Support parents in getting free tutoring for their children.
  - b. Make information about free tutoring available at parent-teacher conferences.
  - c. Make information about free tutoring available at places parents go often, such as grocery stores, shopping malls, and places of religion.
  - d. Put registration forms for tutoring on the school's website where parents can easily download them
  - e. Use any left-over funds to provide transportation for students to get to tutors; and
  - f. Create involvement opportunities that give parents the chance to support their children academically.

*Appleseed is a nonprofit network of public interest justice centers and professionals dedicated to building a just society through legal, legislative and market-based structural reform.*

For more information contact:

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## END NOTES

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<sup>1</sup> 20 U.S.C. §§ 6316(b)(5)(B), 6316(e)(1).

<sup>2</sup> 20 U.S.C. § 6316(b)(6).

<sup>3</sup> United States Department of Education, *Supplemental Educational Services: Non-Regulatory Guidance* 3 (July 13, 2005), available at <http://doe.sd.gov/ofm/grants/LEAapp/docs/Supplemental%20Services%20Guide.pdf> (last visited November 9, 2009) [hereinafter *Non-Regulatory Guidance*].

<sup>4</sup> See Center on Education Policy, *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act* 144 (March 24, 2006), available at <http://www.cep-dc.org/index.cfm?fuseaction=document.showDocumentByID&DocumentID=194&varuniqueuserid=59166880215> (last visited November 9, 2009).

<sup>5</sup> See United States Department of Education, *Strengthening Choice and Free Tutoring: How the final regulations for Title I improve Public School Choice and Supplemental Educational Services (SES) in the No Child Left Behind Act* 2 (October 2008), available at <http://www.ed.gov/policy/elsec/reg/proposal/strengthening-choice.html> (last visited November 13, 2009) [hereinafter *Strengthening Choice and Free Tutoring*]; see also United States Department of Education, *No Child Left Behind—2008: Summary of Final Title I Regulations* 9 (October 2008), available at <http://www.ed.gov/policy/elsec/reg/title1/summary.pdf> (last visited November 13, 2009).

<sup>6</sup> States may, but do not always, prevent SES providers from offering money to schools and districts that sign up students for their programs, Department of Education, *Supplemental Educational Services: Non-Regulatory Guidance* 6 (January 14, 2009), available at <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc> (last visited November 20, 2009).

<sup>7</sup> This is because schools must comply with the Family Educational Rights and Privacy Act (FERPA) when disclosing information about students. See 34 C.F.R. § 99.30.

<sup>8</sup> See, e.g., Questions for Families to Ask SES Providers, available at <http://www.tutors4kids.org/families/infoforfamilies.asp> (last visited November 9, 2009).

<sup>9</sup> See 20 U.S.C. § 7861.

<sup>10</sup> See Department of Education, *Supplemental Educational Services: Non-Regulatory Guidance* 27 (January 14, 2009), available at <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc> (last visited November 20, 2009).

<sup>11</sup> 34 C.F.R. § 200.48(d)(ii)(2).